

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference<br>FP17954   | FOR FURTHER ACTION   | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416). |
| International Application No.<br><b>PCT/AU2003/000681</b>  | International Filing Date<br>(day/month/year)<br>30 May 2003 | Priority Date (day/month/year)<br>31 May 2002  |
| International Patent Classification (IPC) or national classification and IPC<br><b>Int. Cl. 7 C22B 1/00, 15/00, 23/00, 60/02</b> |  |  |
| Applicant<br>TECHNOLOGICAL RESOURCES PTY. LTD. et al   |  |  |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

|   |  |
|---|--|
| Date of submission of the demand<br>8 December 2003   | Date of completion of the report<br>22 September 2004                            |
| Name and mailing address of the IPEA/AU<br>AUSTRALIAN PATENT OFFICE<br>PO BOX 200, WODEN ACT 2606, AUSTRALIA<br>E-mail address: pct@ipaaustralia.gov.au<br>Facsimile No. (02) 6285 3929 | Authorized Officer<br><br><b>MATTHEW FRANCIS</b><br>Telephone No. (02) 6283 2424 |

**I. Basis of the report****1. With regard to the elements of the international application:\***

the international application as originally filed.

the description, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of

the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages , received on with the letter of

the drawings, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of

the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4.  The amendments have resulted in the cancellation of:**

the description, pages

the claims, Nos.

the drawings, sheets/fig.

**5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

|                               |   |     |
|-------------------------------|---|-----|
| Novelty (N)                   | Claims 3, 4, 10, 13-17, 19, 26          | YES |
|                               | Claims 1, 2, 5-9, 11, 12, 18, 20-25, 27 | NO  |
| Inventive step (IS)           | Claims                                  | YES |
|                               | Claims 1-27                             | NO  |
| Industrial applicability (IA) | Claims 1-27                             | YES |
|                               | Claims                                  | NO  |

**2. Citations and explanations (Rule 70.7)**

D1: CA 2277383

D2: WO 1992/018249

**NOVELTY (N):**

Claims 1, 2, 5-9, 11, 12, 18, 20-25, 27: D1 and D2 each disclose methods that fall within the scope of these claims. Thus these claims cannot be considered novel.

**INVENTIVE STEP (IS):**

Claims 1, 2, 5-9, 11, 12, 18, 20-25, 27: As above

Claims 3, 4, 10, 13-17, 19, 26: The cited documents disclose the general principal whereby microwave energy may be used to induce microfractures or similar physical alteration of an ore while not substantially altering the mineralogy. These claims relate to additional features that constitute minor modifications of the known processes or additional processes, such as screening, that are common general knowledge in the art. These additional features and processes do not represent an inventive improvement over the prior art.

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claim 19 is not clear in that there is no antecedent in any of the preceding claims for "the transfer chute".